

INSTRVCTIONS  
TO

*Be duly Observed by the*  
Iudges of every respective Court  
of Iustice, which is or shall be E-  
stablished to be kept and held  
weekly within any Citie,  
Town, or Place in  
IRELAND:

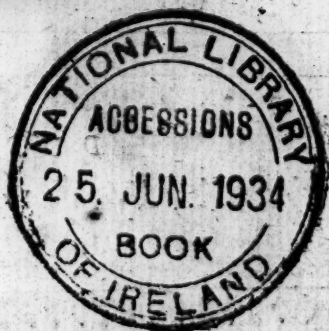
And by all other Officers and  
Ministers belonging to the said  
COURTS respectively.



DUBLIN,

Printed by WILLIAM BLADEN, in the Year  
of our Lord, 1653.

REPUBLIC OF IRELAND  
NATIONAL LIBRARY  
10, KILPATRICK STREET, DUBLIN 2  
TEL. 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000





# INSTRVCTIONS

To be duly observed by the Iudges  
of every respective Court of Justice, which  
is or shall be Established to be kept and held  
weekly within any Citie, Town or Place  
in Ireland, and by all other Officers  
and Ministers belonging to the said  
Courts respectively.

*By the Commissioners of the Common-wealth of England,  
for the Affairs of Ireland.*



First, That in every Citie, Town, and  
Place where a weekly Court is or shall  
be appointed to be openly holden and  
kept, for Administration of Justice, the  
same is to begin at or before Ten of the  
Clock in the Fore noon: And that the  
Clerk or Register belonging to every of the said  
Courts, be then, and there present with a Book for  
Entering all Rules, Orders and other the Proceedings  
of the Court; and do make Entrie of the Names of  
the Commissioners for Administration of Justice Pre-  
sent at every Court: And that all Officers belonging  
to every of the said Courts, do attend there till the  
Court be adjourned.

2. That as many of the said Commissioners for Ad-  
ministration of Justice, as dwell or reside in every re-



pective Town and Division, be and are hereby enjoyn-  
 ed to attend the said weekly Courts in the said respec-  
 tive Towns & Divisions, where they reside or dwell;  
 and in case there be a failer of keeping the said weekly  
 Court in any of the said Towns, for want of two or  
 more of the said Commissioners to sit and keep the  
 same, that then every one of the said Commissioners  
 (residing or dwelling within the Town where such  
 failer happens, and being in the said Town or within  
 five Miles distance of the same, at the time when the  
 said failer happens, not being let by sicknes, or not pro-  
 secuting his duty as a Commander or Officer of War,  
 or not able to travel) for every Time such failer shall  
 happen, be fined for such neglect, by the Judges of that  
 Province, at their next sitting after such failer: Provi-  
 ded, the said fine set upon any one of the said Commis-  
 sioners exceed not the Sum of three Pounds. And that  
 every one of the said Commissioners (residing or dwel-  
 ling out of the said Town, and within the Limit or Di-  
 vision belonging or annexed to the same, and being at  
 his Place of abode or residence, or within five Miles  
 distance of the same, at the time when the said failer  
 happens, and not prosecuting his duty as a Comman-  
 der or Officer of War, or not able to travel) shall for  
 every time such failer shall happen, be fined for such  
 neglect by the Judges of the said Province, at their  
 next sitting after such failer: Provided, the said fine  
 set upon any one of the said last mentioned Commis-  
 sioners, exceed not the Sum of twentie Shillings, the  
 same to be Levied by distress and sale of the Offend-  
 ers Goods, as is usual in cases of that nature.



3. That all Causes depending in Court and undetermined, be called upon at every weekly Court, and that the Parties in each Suit or their Attorneys be present to give an account of the Prosecution of the same, and the cause of the delay (if there be any) and to prepare Causes for hearing and determination. And the said Commissioners or any one or more of them, shall and may adjourn the said Court for such time as they shall judge fitting, not exceeding one Week at a time: And also to award Iudgement by default, or upon confession, or *non-suit*; And to award Process for enquire of dammages, and to award Summons to Iurors, or any Process in order to a Trial or Hearing of the Cause: But at the hearing and determining of any Cause, otherwise than by default, confession or *non-suit*, two or more of the said Commissioners are to be present.

4. That in all Causes where a Iudgement is given upon confession, or after Trial by Verdict or otherwise, upon open hearing of both Parties or their counsel in Court, for any Debts, Costs and Damgages, and the Person or estate of the Person, against whom the same is given, doth lie out of the Iurisdiction of the said Court, the Register of the said Court where the Iudgement is obtained, shall upon request prepare a Certificate of the tenor and substance of the said Iudgement, and sealed with the Seal of the said Court, directed to the Iustices of the Province where such Person is or shall be found, or where his Estate doth lie, and particularly what Sum is recovered in the said

Court, against whom, when, and how much thereof is trulie due and unpaid; and the said Certificate being Signed and Sealed as is hereafter directed, the Register of the Court before the said Iustices of the Province, shall upon request to him made, enter the same upon Record, and thereupon by the assent of one or more of the said Iustices of the Court, award Process to be signed by one or more of the said Iustices of the Province into any Countie or Place within that Province, for Execution to be had and Leavied upon his Person, Goods, and Estate, until the Sum certified be Leavied, as if it were a Iudgement in the same Court: which Certificate is to be as followeth, viz.

**T** Hese are to Certifie to the Iustices of the Province of A. that I. S. hath recovered after Tryal by Verdict, or after full hearing of both Parties, or upon a non-suit, or upon default, or upon confession in the Court holden within the Citie of B. upon the day of \_\_\_\_\_ in the year of our Lord 1653. against I. D. Merchant, the Sum of Ten Pounds, (for Debt and Damages, or for Damages, or for Costs of Suit) which remains unpaid, or whereof remains unpaid, - - - - - And the said I. D. is to pay five shillings for a Fine to the Common wealth.

Given under the Seal of the said Court, the \_\_\_\_\_ day of \_\_\_\_\_

And the said Certificate is to be Sealed and Signed by one of the Commissioners and the Register of the Court where the Iudgement is obtained, and after such Certificate made as aforesaid, there shall be no further Execution

Execution made by virtue of any Proceſs, out of the ſaid Court where the Iudgement is obtained.

5. That the Seal of the ſaid Court be kept by one of the ſaid Commiſſioners of the ſaid Court, as the greater part of them ſhall agree and appoint; And that on the Seal there be engraven the Arms of *England* and *Ireland*, and engraven about the limb of the Seal, *the Court Seal of B.*

6. That in all Common-pleas between Partie and Partie, and in Informations upon Penal Statutes, the firſt Proceſs is to be a Writ, plaint or Summons, and to be thus.

Citie }  
of B.ſſ. } ¶ The Keepers of the Liberties of *England*  
to *A. S.* of *B.*

**T**heſe are to command you to pay to *I. S.* of *D.* the Sum of Ten Pounds, which he claims to be due to him from you; or in default thereof, you are either in Perſon or by Attorney to appear at the next ſitting of the Juſtices, in the Court of Juſtice holden within the ſaid Citie of *B.* after the ſerving of this Proceſs or Summons upon you, and there to Answer the ſaid *I. S.* his Complaint hereunto annexed.

Which ſaid Proceſs, Writ, or Summons is to be Signed by the Clerk or Register of the Court, and by the true partie that Sueth the ſame or his Attorney, and to be Sealed with the Seal of the Court. And in all real and mixed Actions, the Summons ſhall be to require the thing in Demand, or to appear and ſhew cauſe to the contrary.

7. That all Declarations do contain brieflie the ſubſtance



stance of the Complaint, without immaterial things inserted, and are to be in form as near as may be to the Presidents ensuing, which are to be Presidents for brevity; and no Evidence shall be admitted in any Case to varie above Thirtie days, from the time laid in the Declaration.

8. That the Plaintiff may have the Names of as many Defendants as he please, to be inserted in the Summons but no blank is to be left in the same, nor in any other Writ. That the Plaintiff or such as he shall appoint, may serve the Writ of Summons by leaving with every Defendant the Writ or a Copie thereof, and a Copie of the Declaration to the same annexed, Signed with his own hand or his Attorney, or at his last or usual place of habitation, and shewing the Writ it self if it be demanded: And the partie serving it is to endorse upon the said Writ the time, place, and manner of service, and make Oath thereof in Court, or before any one of the Commissioners of the Court, unto which Oath so made the said Commissioner that administers the same shall subscribe his name as taken before him, and then both the Writ and the Declaration and the serving of the same, shall be returned to the Clerk or Register of the Court, and shall be by him Filed, and a brief Entrie made thereof at the next Court after Return so made of the same.

9. If the Defendant appear in Person or by Attorney at the next Court after Summons served, and the Declaration be not Filed, he shall have his Costs to be forthwith taxed; but if the Summons be served and the Defendant do not appear either in Person or by At-

turney

turney, the Writ and the Summons shall be openly read in the Court, and if the Court shall adjudge the said Summons to have been duly made, and the Defendant to be in Contempt, the Defendant shall be called at the Court, and his *non*-appearance entered in the Court-Book by the Register, and the Court shall set a Fine upon the Defendant for the Common-wealth not exceeding twentie Shillings, and give such Costs to the Plaintiff for the taking out of the Summons, and all other Charges that the Plaintiff by himself or his Attorney shall make to appear to the Court he was at concerning the same, which said Fine and Costs the Court shall cause to be leavied by distress and sale of the Defendants Goods, and if the Defendant have no Estate, Goods or Chattels within the jurisdiction of the Court; the Register upon request to him made shall make a Certificate to the Iustices of the Province where the Defendant hath any Estate, as in the fourth Article is set forth, who shall cause the same to be leavied as if it were a Iudgement in the same Court: That is to say, the said Fine to the use of the Commonwealth, and the Costs to the use of the Plaintiff: Provided, that if before the said Fine or Costs be leavied the Defendant shall appear in person or by his Attorney, to the first Summons, and shall pay five Shillings Costs to the Plaintiff in Court, then the Proceſs for the said Fine and Costs is to be suspended and superceded: And where such Summons is or shall be entered & returned as aforesaid, and the Defendant do not appear, the Court upon request made, and being satisfied that the Defendant had sufficient Summons, and

standeth out in Contempt, shall and may award an Attachment against the Defendant his Bodie and Goods, and to secure all Profits of his Estate within the jurisdiction of the Court, until the Defendant appear, and plead, and put in Bail, or give satisfaction as the said Court shall award: And the Plaintiff shall renew the same as often as he shall see cause, and the Court shall judge reasonable.

10. That in all Causes where the Plaintiff by himself or Attorney, shall in open Court shew that any Sum of Money is due to him from any person, for Money Lent, or upon Accompt, or for sale of any Goods, or for detaining of any Goods; and the person or persons complained against have no visible Estate within the jurisdiction of the Court, and the Court be satisfied in the truth of the Allegations, that then the Court (after a Declaration containing the matter of Fact delivered the Court) may at the first Process award a *Capias* against the person complained of, which *Capias* is to be returned with the Body of the Defendant at the next Court after the Arrest made.

11. That where any Party demurreth he shall at once set down all the causes of his demurrer, upon which he intendeth to insist certainly, and particularly, and where there is joining in demurrer the Court shall give Iudgement onely upon such particular Causes and no other; and no demurrer is to be adjudged valid in Law, where the cause thereof is assigned to be want of form, unless the words or form so assigned to be wanting, be essentially necessarie to State matter of Fact or Law, before Iudgement can be given in the Cause.

After



After a Demurr the advers Partie shall have a time not exceeding foure days to amend the defect, paying Ten Shillings for costs, And such Amendments to be final.

12. That the time for the Defendant to Plead, shall not exceed two Court days after his appearing, unless by the Court for special, and just Cause shewed longer time be given, which time is to be final, and peremptory; and for want of Plea, or Demurr Judgment shall be given against the Defendant, and a Writ of enquiry of Damgages shall be issued, where the same is grantable by Law.

13. That where there shall be any special Plea, Answer or Demurrer, the Copy shall be given to the adverse Party by the Party, or his Attorney, without any Fees, and the Pleading to be Filed with the Clerk, Signed by the Party, or his Attorney: And when the Defendant Pleads the general issue, he shall one Court at least before the Tryal, or sooner if the Court shall so award, set down the substance of what things he will insist upon for his Defence, in Evidence at the Tryal, not exceeding two Material things at the most, and he shall, and may have liberty to put the Plaintiff to the proof of his Declaration.

14. That all Suits, Actions, and Pleas brought in any weekly Court of Justice, and no prosecution thereupon in Court for the space of One Moneth, without speecial Order of Court such Suits, and Actions and Pleas shall fall, and be discontinued.

15. That in all Causes where a Plaintiff doth not prosecute, or discontinue his Suite, or become *Non-*

suted, or wherein judgement passeth against him, he shall pay full costs, and where he recovers, he shall recover full costs; Except in such Cases where the Jury finds full satisfaction with costs of Suite tendered by the Defendant before his Plea, and in such Case the Plaintiff refusing such tender, or proceedings after it, shall loose his own costs, and pay full costs to the Defendant; but such tender shall be no Barr to the Action.

16. That where a Plaintiff, or Defendant putteth several distinct issues or things, into a Declaration, Plea, or Answer, and doth not prove all of them, as he shall have costs for what doth appear material, and proved so he shall pay costs for what shall be adjudged causless, or failing in proof; And if a Plaintiff complain of several Persons, and fail in his proof against any, he shall pay costs to such Defendants as are acquitted.

17. That in all Causes where the Plaintiff is *Non-suted*, or discontinue his Suite, or Iudgement given against him, the Court shall set a Fine upon him not exceeding Twenty Shillings, to be paid to the Chief Clerk or Register of the Court, for the use of the *Common wealib*: and where Iudgement is given against the Defendant, he shall pay the like Fine, which said Fines if not paid, the Clerk is to issue out Procefs for the Jeavying of the same by distress, and sale of goods, and in default thereof by Imprisonment of the Person not exceeding twenty eight days.

18. That in all Causes where costs are to be taxed, it is to be understood the Party is to be allowed his necessary

nessary Charge for his own necessary Attendance, and Witnesses as well as for other ordinary costs and expences,

19. That after issue joyned at the request either of the Plaintiff, or Defendant, or either of their *Attorneys*, a day shall be appointed by the Court for Tryal of the same; And that the Iudge without consent of both Parties, shall in no case deferr Tryal, after such days, and times appointed, unless it be for some just Cause, made openly to appear upon Oath, before the Cause is begun to be Tryed; and in that Case the Party at whose Prayer the said delay is procured, is to pay to the advers Party such costs as he shall be put to by reason of such delays, and then another certain day for Tryal is to be appointed by the Court.

20. That none be admitted to practice, as Counsel, Attorney, or Solicitor in the Court, but such as the Court shall allow of; and that no Popish Recusant be admitted to Plead or practice.

21. That all Proceſs be made in the Name of the *Keepers of the Liberties of England*, and be Sealed with the Seal of the Court.

22. That *Jurors* be Persons of known integrity, and ability, and that all, and every Person that is and shall be a householder, and Inhabitant within the limits, or Jurisdiction of the Court, shall be lyable to that Service.

23. That after a Jury is returned, and Sworn, the Court may if they find Cause, put three or four Causes to be tryed by one Jury, before they depart from the Court, but the Jury are to be kept together, and not



permitted to depart asunder, nor any persons, but the Officer appointed by the Court to keep the said Jury, to speak with them till they be agreed on their Verdict, which they are to deliver, and pronounce openly in Court, which is to be entered by the *Register*; & where they cannot all agree, which is most to be desired) yet if nine do agree it shall be taken a sufficient Verdict.

24. That all Writs of enquire of Damgages, or other Enquests be returnable at the said Court, before the said Commissioners of that Court, and the *Jurors* be Sworn in the Court, and receive their Evidence openly in Court, and return their Verdict, and Inquisition openly in Court.

25. That in all other Proceedings, Judgments, and Executions, that the same be done according to the ordinary, and just Proceedings of the Law, so as Justice may be indifferently, and speedily done, without unnecessary delays, and with as much ease as may be to the People.

If by the execution of any the Rules abovesaid any obstruction shall by experience be found to be to Justice, and the due, and speedy execution thereof, the said Commissioners for Administration of Justice, or any two, or more of them, shall certify the same to the said Commissioners of the *Common-wealth*, with their opinion what is fit to be done therein: to the end that due redress, and relief may be given therein.

*Dated at DUBLIN 16. July, 1653.*

*Charles Fleetwood. Edm. Ludlow.*

*Miles Corbet*

*Io. Jones.*



T H E  
F O R M S  
O F  
DECLARATIONS;  
Which are to be  
P R E S I D E N T S  
for Brevitie.

*A. B.* complains of *C. D.* of Gent.  
for not paying him 20 l. according to his promise, be-  
ing so much indebted unto him, the day of  
to his damage of

---

*R. S.* complains of *D. L.* of for not  
delivering him twentie Quarters of Malt, which the  
day of he promised for good conside-  
ration to deliver, to his damage of

---

*I. B.* complains of *I. W.* of for not  
paying him ten pounds debt, and five pounds dam-  
mages which is due by Bond from him, dated the  
day of to his damage of five pounds for not  
paying it accordingly.

---

*I. B.* complains of *W. A.* for breach of Covenants in an Indenture dated the            day of            between the said *I.* of the one part, and the said *W.* of the other part, whereby the said *I.* Leased to the said *W.* an Inn called the Tun-Inn, with the appurtenances in the said County from the            day of            before the date of the said Lease, for            Years, which breaches are for suffering the said Messuage of the price of            a Gate-houte of the value of            parcel of the demised premises to be uncovered, broken, and in decay for want of Tiling, Bricking, Plaistering the Walls, the 20 of *April* 1650. and from thence to the 29. of *September* following, and by reason whereof the Studs and Rafters of the said demised premises by Wind and Rain became rotten, and the said Messuage, and other the said demised premises became ruinous, and left the said Messuage, and other the said demised premises out of repair at the end of his term, and did not yield up the possession of the said Messuage and demised premises to the said *I.* the            day of            when the term ended; In all which particulars the said *W.* broke his Covenants in the said Indenture, and this to the said *I.* his damage of

---

*I. H.* complains of *A. B.* of *F.* for that the said *A. B.* at            Sessions for the Peace holden the            day of            did falsly and maliciously cause the said *I. H.* to be endicted for stealing a Cloak (whereupon he is acquitted) to his damage of



*E. F.* complains of *A. B.* and *C. D.* of  
for that they by conspiracie between them did at

County of  
Dublin, ss.

Sessions for the Peace holden the      day of  
falsly and maliciously cause him to be endicted for  
stealing a Cloak, and thereupon to be detained in Pri-  
son till the      of      when he was  
lawfully acquitted, to his dammage of

*I. B.* complains of the Inhabitants of the Barrony *County of*  
of *M.* for that he was robbed of *Cork.*

the      day of      in the day time at  
in the Parish of      within the said  
Barrony, by Three Men unknown; and though he  
made Hue and Crie, and made Oath before *E. F.* a Ju-  
stice of Peace of the said County according to the Sta-  
tute, that he did not know the Parties that robbed  
him, nor any of them (Forty daies are past since the  
said Robbery) yet the inhabitants of the said Barrony  
have not taken any of the said Robbers, nor made him  
amends for the said Robbery to his dammage of

*E. P.* complains of *G. W.* of      for speaking *County of*  
these false and scandalous words to him (*viz.*) *Thou* *Lowth.*  
*art a Theif*) to his dammage of

*M. P.* complains of *R. W.* of      for *County of*  
that whereas there was a Treaty of Marriage between *Meath.*  
her and one      the said *R. W.* spoke these false  
and slanderous words of her the      of      *viz.* (*M. P.*  
C      hath

*hath had a Bastard*) by which she lost her said Marriage to her damage of

County of  
Kilkenny.

*T. W.* complains of *R. W.* of that the said *T. W.* being a Tradesman the said *R. W.* the of spoke these false and slanderous words of him (*viz.*) *T. W. is a Banckrupt* to his damage of

County of  
Watersford.

*T. W.* complains of *R. W.* of for 40 l. debt and damage, for not setting out his Tithe of Acres of Wheat growing in the said Parish in which belongs to the said *T. W.* being owner of the said Tithes in that Parish, which Tithes were worth and the treble value payable by the Statute for not setting them out is the not payment thereof is to his damage of

County of  
West Meath.

*R. S.* complains of *A. B.* of for trespass done in a house in *R.* wherein the said *A. B.* now dwells and twenty Acres of Pasture, and twenty Acres of Land used with the said house the of continuing the trespass till the day of then next following, and withholding the Possession of the said House, Pasture, and Land from him to his damage of

County of  
Tyberary.

*R. F.* Administrator of *A. C.* who dyed the of complains of *D. E.* of for that whereas *E. R.* did the day of Lease to *M. O.* a House in for years from the date of the said Lease at the yearly Rent of payable

payable every                      day of  
 and                      day of                      by equal Portions;  
 And whereas the said Term by mean Assignment  
 came to the said *D. E.* and the reversion of the said  
 House by mean Assignment came to the said *A. C.*  
 there being                      for a years Rent due the                      day  
 of                      payable to the said *R. F.* by the  
 said *D. E.* that he hath not paid it to his damage of

*A. B.* demands of *C. D.* of *E.* and *R. I.* of *G.* they  
 make Partition of the Mannor of *M.* in the Parish of  
*L.* whereof one                      part belongeth to the said *A. B.*  
 and his Heirs (or to the said *A. B.* for                      years  
 (which are to end the                      day of                      which  
 will be in the year

County of  
*Donnegal.*

*A. B.* complains of *L. D.* of *E.* for waste done by  
 the said *L. D.* in a house in *E.* aforesaid in pulling the  
 same down, which he holdeth for a Term of years (or  
 which he holdeth in extent upon an Execution) the  
 Inheritance whereof belongs to the said *A. B.* to his  
 damage of                      which being trebled amount-  
 eth to                      The which the said *A. B.* requires  
 from the said *C. D.* and also the place wasted.

*Kings-*  
*County.*

*M. B.* the Widdow of *C. D.* of *R.* demands from  
*E. F.* her Dower of the Mannor of *F.* which was the  
 Inheritance of the said *R.* of which she is dowable  
 who

County of  
*Down.*



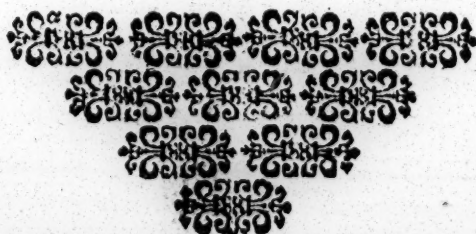
(18)

who dyed seized of the said Mannor the                      day  
of                      in the year of our Lord  
of the vallue of                      by the year which  
the said F. withholds to her dammage of

---

The like Brevity is to be used in all other Plaints  
Declarations, and Pleadings so farr as the nature  
and matter of the same will admit.

---



NATIONAL  
LIBRARY OF  
IRELAND.

